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SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES; MASS EXODUSES AND DISPLACED PERSONS

Written statement submitted by the Association of Refugees and Displaced Persons of the Republic of Bosnia-Herzegovina, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 1999]

GE.99-10615 (E)

Minority returns to Bosnia and Herzegovina

1. Of over 1.3 million refugees at the end of the war in Bosnia and Herzegovina in 1995, some 200,000 had returned to their country by the end of 1997, though often not to their own homes. Another 500,000 had acquired permanent status abroad, leaving about 600,000 in need of solutions. Of the over 1 million Bosnians displaced internally, about 150,000 had returned to their homes, almost all to the areas controlled by their own ethnic group. Only 34,000 had returned to the areas in which they formed a minority, of whom only about 3,000 had returned to the Republika Srpska. Most of the remaining 1.4 million refugees and displaced persons would be in the minority, if they returned to their homes. In this field the following points are of special concern to our organization:

"The year of return": minority returns

2. 1998, dubbed "the year of return" by the international community, fell short of expectations, especially relating to the so-called minority returns (returns to an entity where the post-war majority is of a different ethnicity). In planning for 1998, UNHCR had estimated around 50,000 minority returns. But in the entire year only 14,515 minority returns to the Federation and 2,004 to Republika Srpska were registered. Despite a 1998 target of 20,000 minority returns to **Sarajevo** only around 2,500 minorities had returned by the end of September, for instance. During the three years since the signing of the Dayton peace agreement, many more minorities have fled Sarajevo than have returned. The Return and Reconstruction Task Force (RRTF) plan for 1999 aims to assist the return of 120,000 minorities. However, in the absence of fundamental political reform which could break the grip of the nationalist parties over Bosnian society, it is difficult to visualize breakthroughs this year. It is especially questionable whether the RRTF will be able to achieve substantial progress in 1999 in the municipalities where there are more serious security concerns, fewer employment opportunities, and generally greater obstruction than in Sarajevo.

3. The minority returnees often had - and still have - to face ill-treatment, personal danger, outbreaks of ethnic violence and damage to their property. To illustrate this fact we give some examples: the International Police Task Force (IPTF) reports a total of 132 return-related incidents in **Herzegovina, Neretva Canton**, since the beginning of the year 1998, including explosions, arsons and stoning incidents, of which 70 occurred in **Stolac** municipality; in **Stolac** and **Capljina** approximately 100 Bosniak houses were damaged in 1998. The Organization for Security and Cooperation in Europe (OSCE) reports a number of attacks targeting Bosniak returnees and Bosniak-owned houses in **Teslic** municipality, **Banja Luka** and **Kozarac** during October and November 1998; hand grenades were thrown at the houses, causing material damage. In **Drvar**, a Bosnian-Croat area, a series of violent incidents (including arson, assault and murder) ultimately forced hundreds of Bosnian-Serb returnees to flee again in April. In **Travnik**, at least five Bosnian-Croats were slain since the beginning of 1998, but no perpetrators arrested.

4. Despite the emphasis of the international community on the importance of the return of refugees and displaced persons to their pre-war homes, and

despite commitments by the authorities to help this process, institutional and other impediments continue to hamper minority returns. The Federation authorities as well as the authorities of the Republika Srpska continued to obstruct return, despite new property legislation. Refugees and displaced persons have to live in makeshift accommodations, overcrowded refugee camps and collective centres instead of returning to their original homes. If they want to visit their places of origin they are - at best - allowed to stay there for a very short period, mostly up to two hours.

5. The situation is deteriorating and more and more returnees from abroad are unable to find any kind of shelter. In 1998 the ARDPBH has registered numerous cases of homeless returnees moving from town to town in search of accommodations. The conditions are especially precarious in the **Tuzla-Podrinje Canton** where social riots due to the plight of the returnees cannot be excluded. On the other hand, the host countries to the Bosnian refugees, above all Germany, continue to press for repatriation. The majority of the returnees are Muslims from the Republika Srpska, where for the time being - as mentioned above - they cannot return.

Forced evictions

6. The Federation Ombudsmen of Bosnia and Herzegovina, established by the OSCE to protect human dignity, rights and liberty were in 1998 addressed by a great number of temporary occupants of abandoned apartments, complaining about procedures of forced evictions executed against them in favour of the new occupancy right-holders who got that status after the apartments were declared permanently abandoned. This is a category of the population that has realized the right, envisaged in the Law on Abandoned Apartments, to be temporarily allocated an abandoned apartment: the refugees, displaced persons, war veterans, handicapped persons and families of fallen soldiers, who are evicted without being provided with even an emergency or appropriate accommodation.

7. We appeal to the members of the Commission on Human Rights, we appeal to the international community and to all governmental and non-governmental organizations involved in the peace process in Bosnia and Herzegovina to do whatever is in their power to enhance and encourage minority returns to our country. Further, we urge a robust response by the international community to the violence against the minority returnees, an improved security network for minority returnees, a stop to illegal evictions and a stop to deportations when a refugee's home municipality is not open to minority returns. Furthermore, the international community should exert pressure on the authorities of the Bosnian-Croat Federation and the Republika Srpska to stop obstructing minority returns. There can be no resolution to the ongoing difficulties of the region without the ability of the returnees to resume their lives in their own homes.